

David J. Millstein, Esq. (SBN 8)  
MILLSTEIN & ASSOCIATES  
100 The Embarcadero, Suite 200  
San Francisco, California 94105  
Tel: 415.348-0348  
Fax: 415.348-0336  
dmillstein@millstein-law.com

*Attorneys for Plaintiff ADT Security Services, Inc.*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

ADT SECURITY SERVICES, INC.,

Plaintiff,

vs.

SECURITY ONE INTERNATIONAL, INC.,  
CLAUDIO HAND, and SAFE HOME  
SECURITY, INC.,

Defendants.

CIVIL ACTION No. C 11-05149 YGR

**STIPULATION TO AMEND THE  
COMPLAINT; [~~PROPOSED~~] ORDER**

1 The parties, Plaintiff ADT SECURITY SERVICES, INC., and Defendants SECURITY  
 2 ONE INTERNATIONAL, INC., and CLAUDIO HAND, hereby stipulate to the filing of the  
 3 Fourth Amended Complaint (a true and correct copy of which is attached hereto as "Exhibit 1"),  
 4 and ask the Court for leave to file it. The Fourth Amended Complaint pares the current pleading  
 5 from twelve claims to three; removes all claims for relief based on willful misconduct; eliminates  
 6 the defendants' exposure to awards of punitive damages and attorney fees; more accurately  
 7 reflects the proof that plaintiff expects to present at trial; and simplifies the case for trial. The  
 8 Fourth Amended Complaint asserts no new claim not already encompassed by the current  
 9 complaint. The Fourth Amended Complaint will require no additional discovery or pretrial  
 10 practice.  
 11

12 Both current Defendants, CLAUDIO HAND and SECURITY ONE INTERNATIONAL,  
 13 INC., by their counsel agree to the amendment. If the Court grants ADT leave to file this Fourth  
 14 Amended Complaint, Defendants will not move to dismiss the new complaint, and instead will  
 15 raise any Rule 12(b)(6) defenses to the new complaint in their answer. The parties respectfully  
 16 request that Defendants' answer be due 21 days after service of the Fourth Amended Complaint.  
 17

18 So stipulated.

19 Dated: March 28, 2013

20 Respectfully submitted,

21 MILLSTEIN & ASSOCIATES

22 By: /s/ David J. Millstein

23 David J. Millstein

24 *Attorneys for the Plaintiff,*

*ADT Security Services, Inc.*

25 FREEBORN & PETERS LLP

26 By: /s/ John O'Bryan

27 John O'Bryan

*Attorneys for Defendants Security One*

*International and Claudio Hand*

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

I, David J. Millstein, am the ECF User whose ID and password are being used to file this Stipulation and Proposed Order. In compliance with Civil L.R. 5-1, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of March 2013, at San Francisco, California.

/s/ David J. Millstein  
David J. Millstein

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: March 29, 2013.

  
United States District Judge Gonzalez Rogers